UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

MEMORANDUM

SUBJECT: Action Memorandum for the Odessa Biodiesel Emergency Response Site, Odessa, Lincoln, Washington

FROM: Michael Sibley II, On-Scene Coordinator MWS 5/18/15

THRU: Calvin J. Terada, Manager CJT 9/17/15
Emergency Response Unit

TO: Chris D. Field, Manager
Emergency Management Program

I. PURPOSE

The purpose of this Action Memorandum is to document the decision to initiate the emergency response action described herein for the Odessa Biodiesel Emergency Response Site (the "Site") which is located at 206 W. Railroad Street, Odessa, Lincoln County, Washington.

This action meets the criteria for initiating a removal action under the National Contingency Plan (NCP), 40 C.F.R. § 300.415.

II. SITE CONDITIONS AND BACKGROUND

EPA ID No. is WAN001001366 SITE ID: 10NV

A. Site Description

1. Removal Site Evaluation

Transmessis Columbia Plateau, LLC (Transmessis) ran a biodiesel production facility on the property from November 2013 until June 2014, when it was abruptly shut down and all employees terminated. The property is owned by Odessa Public Development Authority (ODPA) who had also previously leased the facility to Inland Empire Oilseed for biodiesel production.

EPA, START and ERRS assessed the Site on March 12, 2015, following an initial assessment performed by Washington Department of Ecology. (See Section C for more details).

2. Physical Location

The Site is located at 206 W Railroad Street in Odessa, WA. The precise location is 47.33414 North Latitude; 118.69531 West Longitude. The Site encompasses approximately 4 acres and consists of a large facility building and exterior tanks. The Site is in an industrial area, but commercial and residential areas are nearby (<1000ft). Crab Creek, a minor tributary of the Columbia River, is located to the south and west of the site. There are approximately 900 residents in Odessa, and the majority live less than a mile from the Site. Outside of the town the primary land use is agricultural.

3. Site Characteristics

Transmessis ran a biodiesel production facility on the Site from November 2013 until June 2014, when it was abruptly shut down and all employees terminated. The Site is owned by ODPA, who had also previously leased the facility to Inland Empire Oilseed for biodiesel production. Chemicals used in biodiesel production were abandoned on the property are a driving factor in responding at the Site. This is the first removal action to take place at this property.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A variety of known and unknown chemicals from different hazard categories were discovered on site through generator knowledge and hazard categorization. These categories include, but are not limited to, the following: Ignitable (methanol, sodium methoxide); Corrosives (sulfuric acid, sodium hydroxide); and Toxics (Ethanox). These substances are potential hazardous substances, pollutants, or contaminants as defined by Sections 101(14) and 101(33) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14) and (33). The presence of large quantities of various process chemicals, hazardous materials and waste that had been abandoned on the Site presented a threat of release to the air, and fire/explosion through reaction of incompatible chemicals and/or improperly stored and leaking totes. Large volume tanks could fail, releasing their contents. An organic vapor release or vapors/smoke from a fire or explosion could threaten the nearby population. Trespassers or ODPA employees and guests could come into direct contact with chemicals in the facility being exposed to organic and/or toxic vapors, corrosives, and ignitable/flammable materials. Exterior chemical containers could contaminate soils and surface water due to corroding and open containers.

The conditions at the facility met the factors as outlined in Section B, which indicate that the Site was a threat to the public health or welfare or the environment, and a removal action was appropriate under § 300.415(b)(2) of the NCP.

5. NPL Status

The site is not listed on the NPL, nor has it been proposed for listing.

6. Maps, pictures, and other graphic representations

Figure 1, depicts the Site location and Figure 2 depicts the main building at the Site.

B. Other Actions to Date

1. Previous Actions

Upon receiving a notification from the Washington State Department of Ecology regarding the condition of the site, a Removal Site Evaluation was conducted by EPA on March 12, 2015. Representatives of the Washington Department of Ecology, the local police, and fire department personnel were also present during the assessment. The results of the initial preliminary assessment found:

- Leaking tanks and totes;
- Unsecured/open chemical containers;
- Many large process tanks needing further evaluation;
- Tanks and totes unsecured and open outdoors;
- 15,000 gallon methanol tank;
- 7,000 gallon glycerin tank;
- 7 55 gallon drums;
- 50 250 gallon totes.

2. Current actions

Given the nature of unsecured chemical containers, totes, and tanks found during the March 12, 2015 Removal Site Evaluation, OSC Sibley and EPA contractors obtained access to the property and mobilized to the Site to analyze, contain, and stabilize hundreds of chemical totes, sacks, carboys, jerri-cans bins, and other containers on the property. Once the unsecured containers were stabilized or chemical bulked, the waste products were then safely packed and transported them for proper treatment or disposal.

C. State and Local Authorities' Roles

1. State and local actions to date

On March 4, 2015, Mr. Jerry French, of the Washington Department of Ecology Hazardous Waste & Toxics Reduction Program, conducted a visual inspection of the exterior of the property. Mr. French was informed by ODPA that Transmessis had removed all chemicals from the Site. During the inspection, many issues were noted that indicated this was not the case. Several 55 gallon drums were discovered in various states of integrity. Some of the drums were open and several had labels indicating hazardous contents. Three large above ground storage tanks (ASTs), approximately 10,000 gallons each, were located in a concrete containment area that contained an apparent mix of chemicals and rainwater. Gauges on the side of the tanks indicated at least one of the tanks had contents. Mr. French was also able to observe, through windows in doors, chemical containers inside the building.

Mr. French obtained access and performed an inspection of the interior of the building on March 10, 2015 with representatives from ODPA. He found many issues regarding improperly stored chemicals and wastes. Several tanks were found to be leaking and in general poor condition. Corrosion and crystals were noted on several tanks. Several leaks were noted under and around the tanks, impacting the concrete. A large number of totes containing contaminated beads were discovered as well as totes containing large quantities of fatty acids. Several classes of chemicals were discovered as well as incompatibles stored adjacent to each other. Several other large process tanks were present in the building and difficult to assess at that time.

2. Potential for continued State/local response

Given the overwhelming number of unsecured containers and improperly stored chemicals, the local fire department, ODPA, and Washington State of Ecology did not have the capabilities or resources to assess, contain, and dispose of the chemicals in a proper manner. The local and State responder's lack of capacity and capability and the immediate risk to human health and the environment from the unsecured chemicals caused EPA to consider this situation to be an emergency, requiring immediate attention by an OSC and EPA contractors.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The current conditions at this Site met the following factors which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action is appropriate under Section 300.415(b)(2) of the NCP. Any or all of these factors may be present at a site, and any one of these factors may determine the appropriateness of a removal action.

1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants. (300.415(b)(2)(i))
2. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release. (300.415(b)(2)(iii))
3. Threat of fire or explosion. (300.415(b)(2)(vi))
4. The availability of other appropriate federal or state response mechanisms to respond to the release. (300.415(b)(2)(vii))

The presence of large quantities of various process chemicals, hazardous materials and waste that had been abandoned on the Site presented a threat of release to the air, and fire/explosion through reaction of incompatible chemicals and/or improperly stored and leaking totes. Large volume tanks could fail, releasing their contents. An organic vapor release or vapors/smoke from a fire or explosion could threaten the nearby population. Trespassers or ODPA employees and guests could have come into direct contact with chemicals at the Site and been exposed to organic and/or toxic vapors, corrosives, and ignitable/flammable materials. Exterior chemical containers could contaminate soils and surface water due to corroding and open containers.
The conditions at the Site met the factors as outlined in Section B, which indicate that the Site is a threat to the public health or welfare or the environment, and a removal action was appropriate under §300.415(b)(2) of the NCP.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances and/or pollutants and contaminants from this Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Action

1. Proposed Action Description

EPA directed the Superfund Technical Assessment and Response Team (START) contractors and the Emergency and Rapid Response Services (ERRS) contractors to complete a chemical inventory and assessment, hazard categorization activities, and segregate and consolidate the chemicals into waste streams. Once the segregation and consolidation was completed, the various waste products were loading into tanker trucks and/or packaged for transport to various chemical waste disposal facilities, as appropriate. EPA did not implement any post-removal site control measures, such as maintenance of fences or signage, because all hazardous wastes and substances will be removed from the Site.

2. Contribution to remedial performance

The Site is not listed nor proposed for the NPL. The proposed response action is a time-critical action to remove hazardous substances at the Site. The proposed interim action will not impede any future removal or remedial action based upon available information.

3. Description of alternative technologies

There are no viable alternative technologies that have been identified for the Site. Removal of waste and soil is a standard technology for container sites.

4. Engineering Evaluation/Cost Analysis (EE/CA)

This proposed action is an emergency and time-critical removal action, and an EE/CA therefore is not required.

5. Applicable or relevant and appropriate requirements (ARARs)

State Regulations

Under CERCLA, State of Washington cleanup standards, standards of control, and other substantive environmental protection requirements, criteria, or limitations promulgated by the State of Washington are potential ARARs. Determination of whether these State of Washington standards, requirements, criteria, and limitations become ARARs is conducted using the eligibility

criteria set forth in Section 121 of CERCLA (i.e., the requirements are promulgated, legally enforceable, generally applicable, more stringent than federal requirements, and identified in a timely manner). MTCA sets forth various ways to determine the numeric values for ARARs (i.e., cleanup levels) for surface water, groundwater, and soil. This includes using tables with cleanup standards for individual contaminants [WAC 173-340-704] and methods for addressing multiple contaminants and pathways [WAC 173-340-705, -706, and -708].

Potential Chemical-Specific ARARs

Washington State Model Toxics Control Act [RCW 70.105D; WAC 173-340]. MTCA, including WAC 173-340-740 (unrestricted land use soil cleanup standards), -745 (industrial cleanup standards), and -7490 through –7494 (terrestrial ecological evaluation), is a potential ARAR under CERCLA, and is likely applicable to soils across the Site under state law.

Potential Action-Specific ARARs

Resource Conservation and Recovery Act [42 USC § 6901], Subtitle C - Hazardous Waste Management [40 CFR Parts 260 to 279]. Federal hazardous waste regulations specify hazardous waste identification, management, and disposal requirements. For the management of RCRA hazardous wastes that are not Bevill-exempt, applicability of Subtitle C provisions depend on whether the wastes are managed within an Area of Contamination (AOC). 55 FR 8760 (Mar. 8, 1990). ARARs of RCRA Subtitle C (or the state equivalent) may be satisfied by off-site disposal, consistent with the Off-Site Rule, 40 CFR 300.440. RCRA Subtitle C also provides treatment standards for debris contaminated with hazardous waste ("hazardous debris"), 40 CFR 268.45, although the lead agency may determine that such debris is no longer hazardous, consistent with 40 CFR 261.3(f)(2), or equivalent state regulations. Where Washington has an authorized state hazardous waste program (RCW 70.105; Chapter 173-303 WAC), it applies in lieu of the federal program. Subtitle C is potentially applicable at the Site.

Resource Conservation and Recovery Act [42 USC § 6901], Subtitle D - Managing Municipal and Solid Waste [40 CFR Parts 257 and 258]. Subtitle D of RCRA establishes a framework for controlling the management of non-hazardous solid waste. Subtitle D is potentially applicable to solid waste generation and management at the Site.

Washington State Hazardous Waste Management Act and Dangerous Waste Regulations [RCW 70.105; Chapter 173-303 WAC]. Washington State Dangerous Waste regulations govern the handling and disposal of dangerous waste, including identification, accumulation, storage, transport, treatment, and disposal. The Dangerous Waste regulations are potentially applicable to generating, handling, and managing dangerous waste at the Site, and could be potentially relevant and appropriate even if dangerous wastes are not managed during remediation.

Washington State Solid Waste Handling Standards [RCW 70.95; Chapter 173-350 WAC]. Washington State Solid Waste Handling Standards apply to facilities and activities that manage solid waste. The regulations set minimum functional performance standards for proper handling and disposal of solid waste, describe responsibilities of various entities, and stipulate requirements for solid waste handling facility location, design, construction, operation, and closure. This regulation is also potentially applicable or relevant and appropriate for management of excavated soil or debris that will be generated during the Site cleanup.

Washington Clean Air Act and Implementing Regulations [WAC 173-400-040(8)]. This regulation is potentially relevant and appropriate to response actions at the Site. It requires the owner or operator of a source of fugitive dust to take reasonable precautions to prevent fugitive dust from becoming airborne and to maintain and operate the source to minimize emissions.

General Regulations for Air Pollution Sources - Washington State [RCW 70.94; Chapter 173-400 WAC]. The purpose of these regulations is to establish technically feasible and reasonably attainable standards, and to establish rules generally applicable to the control and/or prevention of the emission of air contaminants. Depending on the response action selected, these regulations are potentially applicable to the Site (e.g., generation of fugitive dust during soil excavation).

6. Project Schedule

Project began on March 17, 2015, and was completed on March 27, 2015.

B. Estimated Costs

Contractor costs (ERRS/START staff, travel, equipment)	**$338,000**
Other Extramural Costs (Strike Team, other Fed Agencies)	**$0**
Contingency costs (20% of subtotal)	**$67,600**
Total Removal Project Ceiling	**$405,600**

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

If the proposed removal action should be delayed or not taken: hazardous substances will remain as potential human health and ecological threats; and hazardous substances will remain a continuing source of solid and dissolved-phase contaminants.

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

See the attached "Confidential Enforcement Addendum" for enforcement details.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Odessa Biodiesel Site, 206 West Railroad Street, Odessa, Washington, in Lincoln County, developed in accordance with CERCLA and not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Odessa Biodiesel Site meet the NCP Section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling if approved will be $405,600. All of this amount will be funded from the Regional Removal Allowance.

X. APPROVAL / DISAPPROVAL

APPROVAL:

Chris D. Field, Manager
Emergency Management Unit

9/17/15
Date

DISAPPROVAL:

Chris D. Field, Manager
Emergency Management Unit

Date

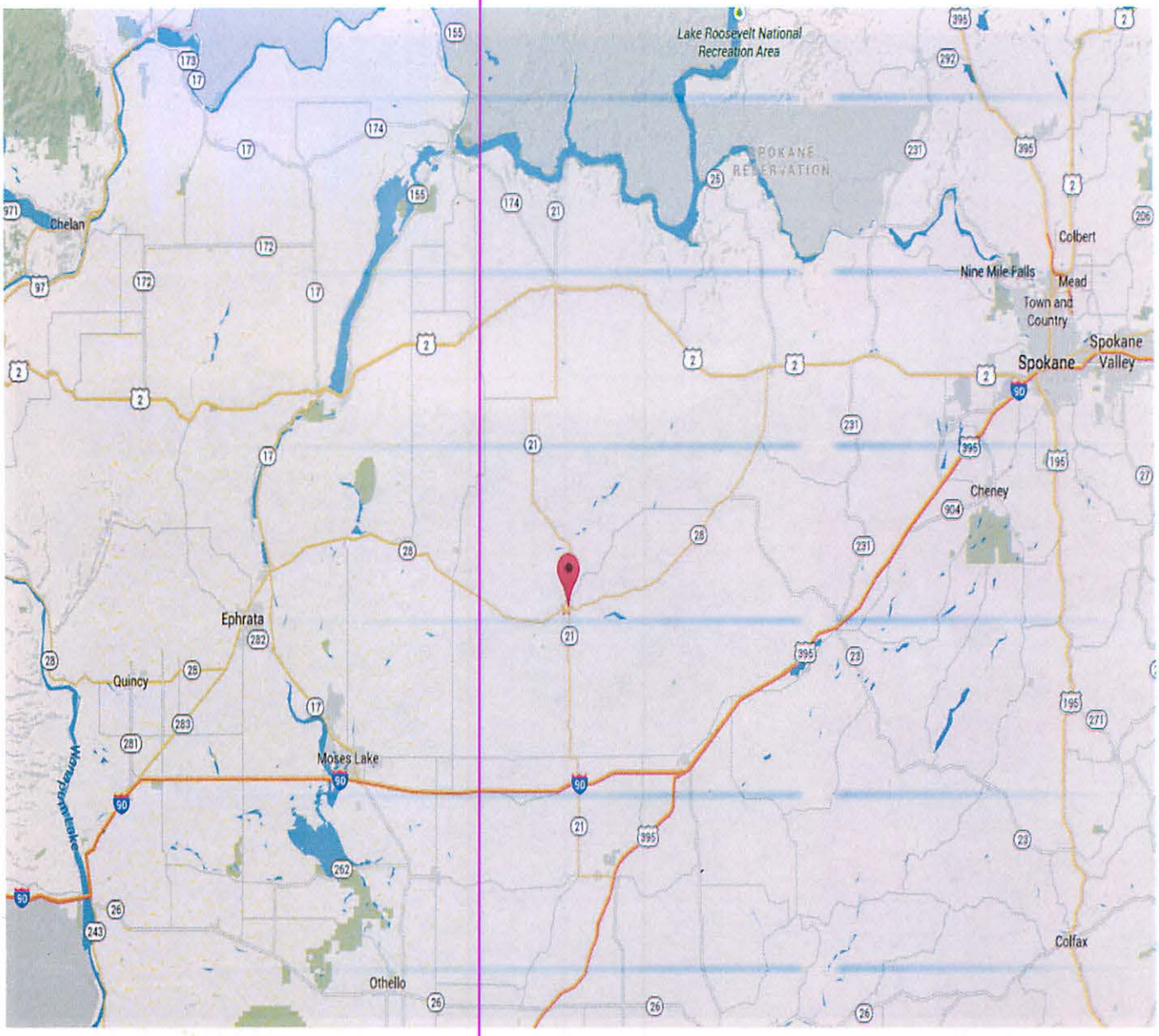
Lake Roosevelt National Recreation Area
SPOKANE RESERVATION
Chelan
Colbert
Nine Mile Falls
Mead
Town and Country
Spokane
Spokane Valley
Cheney
Ephrata
Quincy
Moses Lake
Othello
Colfax
Winchester Lake

Figure 1

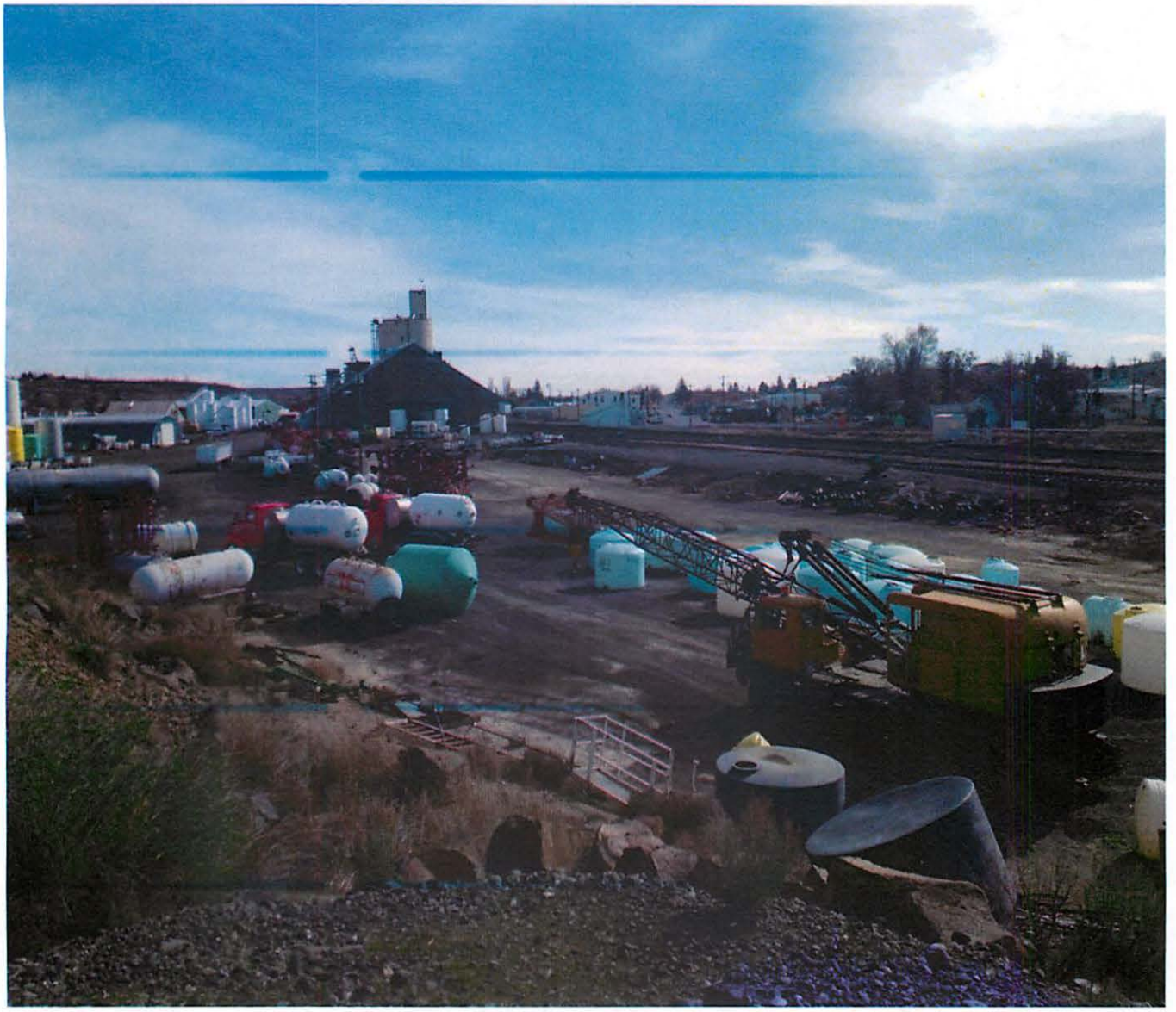

Figure 2